APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,931	11/14/2003	Peter E. Bloechl	CH919990054US1	4818

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EXAMINER
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ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/713,931	BLOECHL ET AL.
	Examiner	Art Unit	
	THOMAS MANSFIELD	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 November 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-19_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-19_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _14 November 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   This First Office action is in reply to the Application filed on 14 November 2003.

2.   Claims 1-19 are currently pending and have been examined.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

      Whoever invents or discovers any new and useful process, machine, manufacture, or
      composition of matter, or any new and useful improvement thereof, may obtain a patent therefor,
      subject to the conditions and requirements of this title.

4.   Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-

      statutory subject matter. Claim 1 recites a step for evaluating a specification of an importance-

      function associated with a task-item but does not qualify as a statutory process by reciting purely

      mental steps. To qualify as a 35 U.S.C. § 101 statutory process, the claim should positively recite

      other statutory class (the thing or product) to which it is tied, for example identifying the apparatus

      that accomplishes the method steps. Claims 2-16 depend from Claim 1 and are rejected by the

      same rational.

5.   Claims 1-19 are rejected under 35 U.S.C. 101 because Claim 1 recites a step for evaluating a

        specification of an importance-function associated with a task-item but does not produce a useful,

        concrete and tangible result.

        Under the statutory requirement of 35 U.S.C. § 101, a claimed invention must produce a useful,

        concrete, and tangible result. For a claim to be <u>useful</u>, it must yield a result that is specific,

        substantial, and credible (MPEP § 2107). A <u>concrete</u> result is one that is substantially repeatable,

        i.e., it produces substantially the same result over and over again (*In re Swartz, 232 F.3d 862,*

        864, 56 USPQ2d 1703, 1704 (Fed. Cir. 2000)). In order to be <u>tangible</u>, a claimed invention must

        set forth a practical application that generates a real-world result, i.e., the claim must be more

        than a mere abstraction (*Benson, 409 U.S. at 71-72, 175 USPQ at 676-77*). (Please refer to the

        "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" for

        further explanation of the statutory requirement of 35 U.S.C. § 101.)

        The claims do not produce a useful result because the claims do not provide a specific utility. Per

        MPEP 2107.01 A, a specific utility is "specific to the subject matter claimed and can "provide a

        well-defined and particular benefit to the public."" As the claim is currently recited, it seems to

        apply to the general problem of prioritizing tasks, but fail to disclose a more specific utility for the

        task prioritization.

        The claims are not concrete because one of ordinary skill in the art would not be able to repeat

        the steps and produce the same tangible results as the evaluating step could be performed by

        different individuals and achieve different outcomes since it is not clear what the scope is of

        evaluating and dynamically determining is.

        The claims do not produce tangible results because the claim just solves for an evaluation, but

        does not actually assign any values in a real world environment. Claims 2-19 are also rejected

        for the same reasons since they depend from Claim 1.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

>   The specification shall conclude with one or more claims particularly pointing out and distinctly
>   claiming the subject matter which the applicant regards as his invention.

7.   Claim 13 recites the limitation "*the second predefined time*". There is insufficient antecedent

basis for this limitation in the claim. For examination purposes, the Examiner will interpret "*the*

second predefined time" as, "*a second predefined time*". Clarification is required.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

>   A person shall be entitled to a patent unless –

>   (e) the invention was described in (1) an application for patent, published under section 122(b),
>   by another filed in the United States before the invention by the applicant for patent or (2) a
>   patent granted on an application for patent by another filed in the United States before the
>   invention by the applicant for patent, except that an international application filed under the treaty
>   defined in section 351(a) shall have the effects for purposes of this subsection of an application
>   filed in the United States only if the international application designated the United States and
>   was published under Article 21(2) of such treaty in the English language.

9.   Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Mueller (U.S. Pub. No.

2004/0059622).

With regard to Claims 1 and 17-19, Mueller teaches *a computerized prioritization method, system, data processing program, and computer program product stored on a computer usable medium* (see at least the Abstract and paragraphs 0035-0037) *of at least one task-item* (task) *said method comprising a step of evaluating a specification* (urgency is calculated) *of an importance-function* (weight) *associated with said task-item and dynamically determining* (finite automaton) *an importance-value of said task-item* (see at least paragraphs 0113-0117) *as a function of one or a multitude of context-attributes* (priority, date/time, deadline) (see at least paragraph 0037).

With regard to Claim 2, Mueller teaches:

- *wherein said importance-value being reevaluated continuously* (continually and proactively) *based on the current values of said one or multitude of context-attributes* (see at least paragraphs 0029-0033).
- *wherein said importance-value being used as priority of said task-item* (priority, date/time, deadline) (see at least paragraph 0037) *and said importance-value being indicated to a user* (makes timely suggestions to the user) *in correspondence with said task-item* (activity, task) (see at least paragraph 0030).

With regard to Claim 3, Mueller teaches *wherein said step of evaluating is determining said importance-value also as function of other task-items in a task-list* (monitor the progress of various tasks) *of said user for considering dependencies* (make suggestions) *between said task-item and said other task-items* (see at least paragraph 0031).

With regard to Claim 4, Mueller teaches *wherein said one or multitude of context-attributes comprise the current time* (suggest that the user alter the user's activity at the precise time when a user should change activities) (see at least paragraph 0033).

With regard to Claim 5, Mueller teaches *a step of associating said task-item* (task currently being performed) *with said specification* (importance or priority) *proceeding said the step of evaluating* (see at least paragraph 0037).

With regard to Claim 6, Mueller teaches:

- *wherein said specification being modifiable by said user* (when items are modified) (see at least paragraph 0076).
- *and/or wherein said specification being modifiable by said task-item itself dependent on the access behavior to said task-item by said user* (their corresponding tasks are modified) (see at least paragraph 0076).

With regard to Claim 7, Mueller teaches *wherein said specification is capable of automatically triggering a new task-item* (new task) *said triggering being dependent on the current values of said one or multitude of context-attributes and/or on said importance-value of said task-item* (see at least paragraphs 0036-0037).

With regard to Claim 8, Mueller teaches *wherein said step of evaluating is determining said importance-value* (t.current--initial value FALSE) *also as function of a type of said task-item* (see at least paragraph 0037).

With regard to Claim 9, Mueller teaches *wherein possible types of said task-items are: an appointment item* (task due dates); *or a to-do item* (To Do lists) (see at least paragraph 0030); *or a work item of a Workflow system* (subtasks of the task) (see at least paragraph 0014); *or a reminder item to remind said user of an event* (calendars) (see at least paragraph 0030); *or an e-mail item requiring a reaction by said user.*

With regard to Claim 10, Mueller teaches:

- an estimated (estimated amount of work time) required work time to perform said task-item (see at least paragraph 0037).

- and/or a time already spent for a task-item (total time spent) (see at least paragraph 0037).

- and/or an indicator, whether work on a task item has been started by said user (whether the task is currently being performed) (see at least paragraph 0037).

- and/or a dependency attribute indicating order of precedence with related task-items (importance or priority) (see at least paragraph 0037).

- and/or a deadline for completing a task-item (deadline) (see at least paragraph 0037).

- and/or an attribute reflecting expected losses for finishing said task-item too late (spending too much time on a given task) (see at least paragraph 0031).

- and/or an attribute reflecting expected benefits for finishing said task-item before its deadline (provide the user with immediate suggestions) (see at least paragraph 0033).

With regard to Claim 11, Mueller teaches:

- wherein said importance-function is returning a high importance-value larger (importance or priority) than all importance-values (average importance) of all other task-items of said user, if an estimated required work time (estimated by the user) for said task-item is larger than the available time to said user until said deadline, taking into account estimated required work times of other task-items to be completed before said deadline (deadline) (see at least paragraph 0037).

- and/or wherein said importance-function is returning a steadily increasing importance-value as a deadline for completing said task-item is approaching (assigns greater weight to more urgent tasks) (see at least paragraph 0113).

- *and/or wherein said importance-function is returning a steadily decreasing importance-value* (progress) *as a deadline for completing said task-item has been passed* (OVERSPENT, NEARCOMPLETION, THRASHRATE) (see at least paragraphs 0113 and 0128-0150).

- *and/or wherein said importance-function is returning a steadily decreasing importance-value after creation of said task-item* (see at least paragraphs 0113-0114).

With regard to Claim 12, Mueller teaches *wherein said task-item is an appointment item* (appointments) *and said importance-function is returning a high importance-value larger than all importance-values of all other task-items for the duration of said appointment* (see at least paragraph 0150).

With regard to Claim 13, Mueller teaches:

- *wherein said specification of said appointment item is triggering a reminder item at a first predefined time before said appointment* (a reminder automaton) (see at least paragraph 0013).

- *and/or is triggering a to-do item* (To Do) *at a second predefined time before said appointment to track said user's preparation task for said appointment* (see at least paragraph 0076).

With regard to Claim 14, Mueller teaches *wherein said method is being executed by a task management system* (task formulation automation, Executive agent 101) (see at least paragraph 0076).

With regard to Claim 15, Mueller teaches:

- *wherein said task management system is an electronic calendar system* (calendars) (see at least paragraph 0030).

- *and/or wherein said task management system is a Workflow system* (subtasks of the task, planning programs) (see at least paragraphs 0014 and 0030).

With regard to Claim 16, Mueller teaches wherein said continuously reevaluatated importance-value being indicated visually to said user (displaying messages to the user via the graphical user interface) (see at least paragraph 0039).

Conclusion

10.   The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Kline (U.S. 5,793,747) discloses an event-driven cell scheduler and method for supporting multiple service categories in a communication network.

- Mahapatro (U.S. 6,571,215) discloses a system and method for generating a schedule based on resource assignments.

- Clement et al, "Scheduling High-Level Tasks Among Cooperative Agents", IEEE, 0-8186-8500-X/98, 1998, discloses strategies for automatically managing the task assignments and schedules among human operators.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner, Art Unit 3623

19 June 2008
Thomas Mansfield

/Andre Boyce/
Primary Examiner, Art Unit 3623